

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 23

By: Trial Section Merits Panel
Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
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Filed: January 14, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Carol A. Spiegel)

BRIAN ZAMBROWICZ,
GLENN FRIEDRICH and ARTHUR T. SANDS

Junior Party,
U.S. Patent 6,080,576

v.

JOHN J. HARRINGTON,
BRUCE SHERF and STEPHEN RUNDLETT

Senior party,
Application 09/276,820

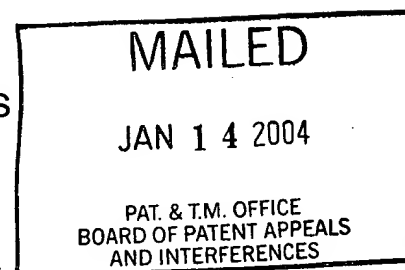
Patent Interference No. 105,104

Before: SCHAFER, TORCZON and SPIEGEL, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662(a)

Senior party Harrington submitted "the attached Request for Adverse Judgment



executed by the Junior Party Zambrowicz" wherein "party Zambrowicz et al. hereby requests, under 37 C.F.R. § 1.662, that adverse judgment be entered against it with regard to claims 15-21 of Zambrowicz U.S. Patent No. 6,080,576, the only claims in the Zambrowicz patent involved in the present interference (No. 105,104) designated as corresponding to the sole count in the interference." [Paper 21]

Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, p. 5), the sole count in the interference, is awarded against junior party BRIAN ZAMBROWICZ, GLENN FRIEDRICH and ARTHUR T. SANDS;

FURTHER ORDERED that junior party BRIAN ZAMBROWICZ, GLENN FRIEDRICH and ARTHUR T. SANDS is not entitled to a patent containing claims 15-21 (corresponding to Count 1) of U.S. Patent 6,080,576;

FURTHER ORDERED that a copy of this decision (Paper 23) be given a paper number and entered in the administrative record of Zambrowicz U.S. Patent 6,080,576 and of Harrington Application 09/276,820; and

Russell C. Schaefer

Blair

Carol R. Spiegel

BOARD OF PATENT
APPEALS AND
INTERFERENCES

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INTERFERENCE DIGEST

Interference No. 105,104

Paper No. 40

Name: John J. Harrington et al.

Serial No.: 09/276,820

Patent No.

Title: Compositions and methods for non-targeted activation of endogenous genes

Filed: 03/26/99

Interference with Zambrowicz et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, favorable Dated, 1-14-04

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.